

Notice of Allowability

Application No.

09/801,805

Examiner

Wenpeng Chen

Applicant(s)

NAKAO, TAKEHISA

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and amendment filed on 6/13/2006.
2. ☒ The allowed claim(s) is/are 1-13 (now renumbered as 1-3, 8-10, 4-7, and 11-13).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/13/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

7/24/06

WENPENG CHEN
PRIMARY EXAMINER

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/2006 has been entered.

Examiner's Statement

2. The examiner thoroughly considered Shimuzu et al reference (Japanese patent publication JP-09-284516-A) listed in the IDS filed on 6/13/2006 and concluded that the reference does not alone teach or suggests for combination with other prior art, especially Onodera (US patent 6,181,435) and Kurihara et al. (US patent 5,901,278) cited previously during the examination process, for teaching Claims 1-13 as explained below.

The Examiner's position for allowing Claims 1-13 remains the same as set forth in paper #20060526 mailed on 6/2/2006.

3. Shimuzu et al reference is a very relevant prior art. It teaches how to adjust image processing parameter so all pages of a document can be compressed for storing in a print buffer memory (PBM) when overflow of the PBM occurs in the middle of reading all of the pages. In one embodiment, it teaches in sections 0068-0071 to estimate reduction ratio *based on the*

Art Unit: 2624

number of the pages of the document so that image data corresponding to all pages of the document can be stored in the PBM .

However, the reduction ratio is used for *changing a process parameter of the data processing in the image data processor, but not changing a compression rate of the compressing in the compressor. It does not meet the recited limitation of the present application “... and a compression rate applied by the compressor to the processed image data are changed based on the number of the pages of the document ...” nor “changing ... and a compression rate of the compressing based on the number of the pages of the document”* Therefore, Claims 1-13 are **not** anticipated by Shimuzu et al reference.

With regard to the potential obviousness issue for combining the teaching of the estimated reduction ratio with other prior art, in section 0039, Shimuzu et al reference requires that the compression used in compression circuits 150 and 153 is reversible compression method, namely the compression rate of a given image is set by the entropy of the image data and is not adjustable. It also implicitly indicates not to use non-reversible compression method such as JPEG. This statement of Shimuzu et al reference teaches away adjusting a compression rate in a compressor. In Shimuzu et al reference, the reduction ratio is used only for control processing parameters such as tone level reduction or resolution reduction for achieving data compression, and not recommended for changing compression rates used in compressors. As a consequence, one cannot rely on the teaching of Shimuzu et al reference for modifying the compression rate of a compressor based on the reduction ratio. For example, the combination of Onodera (US patent 6,181,435) and Kurihara et al. (US patent 5,901,278) teaches an image processing apparatus adapted for processing a series of image data of a document comprising a controller for

Art Unit: 2624

controlling the image data processor, the storage medium and the compressor so that after compressed image data corresponding to a plurality of pages of the document is stored in the storage medium the processing applied by the image data processor and a compression rate applied by the compressor to the processed image data are changed so that image data corresponding to all pages of the document can be stored in the storage medium when it is determined that the storage medium cannot store further image data corresponding to a given page of the document. However, the combination does not teach at least “*changing ... and a compression rate of the compressing based on the number of the pages of the document.*” Therefore, Shimuzu et al reference cannot be used to remedy the deficiency of the combination of Onodera and Kurihara .

Examiner's Statement of Reasons for Allowance

4. Claims 1-13 (was renumbered as 1-3, 8-10, 4-7, and 11-13) are allowed.

The examiner's statement of reasons for allowance for all the claims has already been given in Office Action paper #20060526 mailed on 6/2/2006.

Art Unit: 2624

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 571-272-7431. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications. TC 2600's customer service number is 571-272-2600.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Wenpeng Chen
Primary Examiner
Art Unit 2624

July 21, 2006

